WP(C) 2986/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr MU Mahmud , learned counsel for the petitioner. Also heard Mr Mishra , learned Standing counsel , Education .

As agreed to by the learned counsel for the parties and having regard to the order which I propose to pass, I do not consider it necessary to issue notice to the respondent No.5.

The facts projected by the petitioner are that he is the Headmaster of Public High school, Khopatia under Mankachar Legislative Assembly. That in terms of the extant government policy for extending financial assistance to the High schools of the State, after necessary enquiries a list was drawn up by the department in which the name of the petitioner's school figured at Sl. No.6. The communication dated 27.2.2006 of the Commissioner & Secretary , Education (Sec. & Ele.) Department, Govt.of Assam has been annexed to the petition in support of the above averment. The petitioner has asserted that while enlisting his school, the Legislative Assembly Constituency was wrongly mentioned as South Salmara Legislative Assembly instead of Mancachar Legislative Assembly. It is alleged that taking advantage of the said mistake , some vested circles have initiated a move to favour the respondent school claiming it to be located in the South Salmara Legislative Assembly Constituency . The petitioner has contended that though the above mistake has been pointed out by the local MLA with a request to correct the same recommending the petitioner school to be entitled to the financial assistance, efforts are on to favour the respondent school. According to the petitioner, the financial assistance to the respondent school has not yet been disbursed.

Mr Mahmud while reiterating the above has argued that in the attending facts and circumstances, this petition be closed with a direction to the Commissioner & Secretary, Education ( Sec. & Ele),Department, Govt.of Assam to cause a necessary enquiry to be made on the issue and take an appropriate decision thereon.

Mr Mishra , learned Standing counsel, Education Department has no objection to the course suggested.

Upon hearing the learned counsel for the parties and on a consideration of the pleaded facts and the documents annexed to the petition , I am of the view that it would meet the ends of justice if this petition is closed with the directions as prayed for. It is therefore, ordered that the Commissioner & Secretary, Education ( Sec. & Ele) Department , Govt.of Assam would cause immediate steps to be taken to verify the facts and ascertain as to which school in fact,is entitled to the financial assistance as proposed. The said authority may if he so chooses, entrust the Director of Secondary Education, Assam the enquiry. As the petitioner school is waiting in expectation the exercise indicated hereinabove should be completed within a period one month from the date of receipt of the certified copy of this order. Needless to say that before arriving at any decision in the matter, the authority would also afford an opportunity of hearing to the respondent school. Before the enquiry as directed by this Court is completed, no final decision on the financial assistance to either of the schools would be taken.

The petition stands closed in the above terms. No costs.